

HOUSE BILL No. 1041

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-8.1-16; IC 34-30-2-85.3.

Synopsis: Heimlich maneuver training for school employees. Requires certain schools to have an employee who has received instruction on the Heimlich maneuver or a similar procedure present while students are being served food. Establishes immunity from liability for an act or omission in the performance of these duties.

Effective: July 1, 2005.

Duncan

January 4, 2005, read first time and referred to Committee on Education.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1041

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-8.1-16 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2005]:

4 **Chapter 16. Employees Trained in Heimlich Maneuver**

5 **Sec. 1. This chapter applies to a school that operates:**

- 6 (1) a school lunch program (including a school lunch program
7 under IC 20-5-13);
8 (2) a school breakfast program (including a school breakfast
9 program under IC 20-5-13.5); or
10 (3) both a school lunch program and a school breakfast
11 program.

12 **Sec. 2. As used in this chapter, "Heimlich maneuver" means a**
13 **series of abdominal thrusts to help a person who is choking.**

14 **Sec. 3. As used in this chapter, "school" includes the following:**

- 15 (1) A public school.
16 (2) A charter school.
17 (3) A nonpublic school that has voluntarily become accredited



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under IC 20-1-1-6.

Sec. 4. As used in this chapter, "student" means a person enrolled in a school.

Sec. 5. A school shall require at least one (1) employee who has:

(1) received instruction approved by the department in methods to provide first aid to a person who is choking; and

(2) demonstrated through training approved by the department an ability to perform the Heimlich maneuver or a similar procedure used to expel an obstruction from the throat;

to be present while students are being served food.

Sec. 6. A school or an employee of a school is immune from civil liability for an act or omission concerning:

(1) performing duties required under section 5 of this chapter; or

(2) providing or failing to provide first aid to a person who is choking;

unless the act or omission amounts to gross negligence or willful misconduct.

Sec. 7. The department shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 2. IC 34-30-2-85.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: IC 20-8.1-16-6 (Concerning an employee or a school regarding training in the Heimlich maneuver and providing or failing to provide first aid to a person who is choking).

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